IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELALTE SIDE

SECOND APPEAL NO.1410 OF 2005

Vithalrao Shankarrao Jadhav. ...Appellant.

Vs.

Chandrakant Anant Sutar & Ors. ...Respondents.

....

Mr. R. P. Walvekar for the Appellant.

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CORAM : DR. D.Y. CHANDRACHUD, J.

December 2, 2005.

P.C.:

Both the Courts concurrently found that the Plaintiff -Appellant has been unable to substantiate his case that he was in actual possession. The Appellate Court noted in para 11 of the order that there appears to be a variation between the pleadings, and the evidence. Therefore, an adverse inference has been drawn against the Plaintiff. The application for renewal of licence was also submitted after a long lapse of time just before the suit came to be instituted. In these circumstances, the finding does not warrant interference. There is no substantial question of law. The Second Appeal is dismissed.

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